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DOC #: _____
DATE FILED: <u>5-4-12</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORBITAL PUBLISHING GROUP, INC.,
Plaintiff,
-against-
BANK OF AMERICA, N.A.,
Defendant.

11 Civ. 3065 (PAC)

**STIPULATION AND ORDER
ADJOURNING INQUEST**

WHEREAS, Defendant Bank of America, N.A. moved to dismiss for a lack of prosecution and for a default judgment, and

WHEREAS, the parties agreed to extend plaintiff's time to serve and file opposition to Defendant's motions from April 4, 2012 to May 3, 2012 since the parties were attempting to resolve the action, and

WHEREAS, Plaintiff did not submit a proposed Stipulation and Order to the Court for its consideration, and

WHEREAS, the court issued an order on April 16, 2012 granting Defendant's motion to dismiss for lack of prosecution and scheduling a hearing to determine damages on the counterclaim, and

WHEREAS, the parties are attempting to resolve the action, and believe that adjourning the Inquest and related dates is in the interest of the Court and the parties,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the inquest scheduled for May 24, 2012 is hereby adjourned to June 28, 2012; Defendant's time to file a pre-hearing brief is adjourned from May 3, 2012 to June 4, 2012; Plaintiff's opposition, if any, is adjourned from May 10, 2012 to June 11, 2012; and Defendant's reply is adjourned from May 17, 2012 to June 18, 2012.

10 AM in Courtroom 20-C

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be signed in counterparts and that facsimile copies shall be deemed originals.

Dated: New York, New York
May 2, 2012

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By:

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SO ORDERED: 5-4-12

Paul M. Lioy
U.S.D.J.